

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JESUS SAMANIEGO-GARCIA and
NOE LOERA,

Defendants.

4:13CR3025

MEMORANDUM AND ORDER

Defendant, JESUS SAMANIEGO-GARCIA, has moved to continue the pretrial motion deadline, (Filing No. 32), because the defendant has new counsel who needs additional time to review this case and confer with the defendant before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Jesus Samaniego-Garcia's motion to continue, (filing no. 32), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before May 3, 2013.
- 3) **As to both defendants**, the trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and May 3, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because despite counsel's due diligence, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

March 27, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge